

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington DC 20350

SECNAVINST 7220.79A
Pers-432T
15 August 1996

SECNAV INSTRUCTION 7220.79A

From: Secretary of the Navy
To: All Ships and Stations (less Marine Corps addressees not having Navy personnel attached)

Subj: NAVY AVIATION CONTINUATION PAY (ACP)

Ref: (a) 37 USC § 301b
(b) 37 USC § 301a
(c) NAVSO-P3050, PAYPERS-MAN/JUMPS

Encl: (1) Application Format for ACP

1. **Purpose.** To establish policies, procedures, and guidance for the administration of continuation pay as authorized by reference (a). This instruction has been revised in its entirety and should be completely reviewed.

2. **Cancellation.** SECNAVINST 7220.79.

3. **Background.** Reference (a) authorized ACP for eligible officers who obligate themselves to remain on active duty for specific periods of time.

4. **Policy.** The Department of the Navy authorizes ACP as a supplement to Aviation Career Incentive Pay (ACIP) when needed to:

a. Correct current or projected shortages of career officers in aviation specialties determined to be critical.

b. Enhance retention of highly trained career aviation officers whose performance is satisfactory in specific aviation specialties.

5. **Definitions.** For purposes of this instruction, the following definitions will apply:

a. **Aviation Career Incentive Pay (ACIP).** Pay in addition to basic pay for the frequent and regular performance of operational or proficiency flying duty authorized by reference (b).

b. **Aviation Officer.** An officer on active duty in aviation service in a critical specialty. (Aviation officers of the line are identified by designator codes. Limited duty and commissioned warrant aviation officers are identified by sub-specialty codes.)

c. **Aviation Service.** Service performed by an officer who holds an aeronautical designation (except Flight Surgeons or other medical officers.)

d. **Aviation Continuation Pay (ACP).** A retention bonus authorized under reference (a), paid in addition to any other pay and allowances to which an officer is entitled.

e. **ACP Obligation.** The period of time an aviation officer agrees to remain on active duty in aviation service in return for receiving ACP.

f. **ACP Agreement.** A written agreement executed by an aviation officer to remain on active duty in aviation service for at least 1 year. This agreement, upon acceptance by appropriate authority, is the basis for payment of ACP.

g. **Critical Aviation Specialty.** An aviation specialty in which there exists a shortage of officers, designated as critical by the Secretary of the Navy with the approval of the Secretary of the Defense. Critical Aviation Specialty is determined by an officer's primary Aviation Qualification Designator (AQD) code. AQD codes are contained in NAVPERS 15839G, Manual of Navy Manpower and Personnel Classifications, and are indicated on Officer Data Cards (ODCs).

h. **Effective Date of an ACP Agreement.** The date an aviation officer's written agreement is accepted by appropriate authority, or the date of first eligibility, whichever is later.

i. **Commencement Date of an ACP Obligation.** The first day of the period included in the ACP agreement that the officer begins additional obligated service associated with ACP.



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j. **Initial Aviation Active-Duty Service Obligation (ADSO).** Any active-duty service commitment incurred for undergraduate aviator training. Army and Air Force interservice transfers incur this obligation when they complete naval aviation training and receive their Navy wings. Navy interservice transfers must complete the ADSO incurred upon receipt of wings. If they were transferred into the Navy before they completed the ADSO, they must complete the ADSO stated on their orders.

k. **Operational Flying Duty.** Flying performed under competent orders by a designated officer while servicing in assignments in which basic flying skills are maintained in performance of assigned duties as determined by the Secretary of the Navy.

l. **Active Duty.** Total of all active service in an enlisted, warrant, or commissioned status in any of the U.S. Armed Forces and their Reserve components.

6. **Authority.** In the Navy, the Chief of Naval Personnel (CHNAVPERS) is delegated authority to:

a. Evaluate eligibility.

b. Accept written agreements by aviation officers to remain on active duty in aviation service for a specified period in return for ACP.

c. Administer the ACP program per this instruction.

7. **Eligibility.** To be eligible for ACP, an aviation officer must:

a. Be entitled to ACIP.

b. Be servicing in a critical aviation specialty designated by the Secretary of the Navy with the approval of the Secretary of Defense.

c. Be in a paygrade below O5.

d. Be qualified to perform operational flying duty.

e. Have completed at least 6 but less than 13 years of active duty.

f. Have completed an Initial Aviation ADSO incurred for undergraduate aviation training.

g. Not have participated in the previous AOC/ACP program for more than a 2-year payment/obligation.

h. Be recommended for receipt of ACP by his or her commanding officer. (Commanding officers must provide substantive comments on the desirability of retaining the officer concerned on active duty for the duration of the period requested in the officer's agreement to serve.)

8. **Additional Conditions.** The following additional conditions apply to ACP in the Navy.

a. An aviation officer must be prospectively able to complete the full period of ACP obligation in aviation service. For example, an aviation officer:

(1) Who is scheduled under law or regulations to mandatorily separate from active duty in less than 1 year from the date the ACP would be paid, is not eligible for ACP.

(2) Who twice fails to be selected for promotion to the next higher rank (Regular or Reserve) and is subsequently continued on active duty, maintains eligibility for ACP during periods of continuation, if otherwise eligible.

b. An officer who fails to be approved for ACP may reapply upon selection to paygrade O4 or after significant improvement in performance is documented. Each officer's performance as an aviator and officer will be reviewed by a standing administrative board convened by CHNAVPERS.

c. In the event that a category of aviation service is removed from the list of critical aviation specialties, or if authority to pay ACP is otherwise

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terminated after the commencement date of an ACP obligation, ACP will be paid to the officer for the entire period of obligation. If, however, authority to pay ACP is terminated after an ACP agreement is accepted but before the commencement date of the ACP service obligation, the agreement will be void, no payment of ACP will be made, and the ACP service obligation will be canceled.

d. An eligible aviation officer may apply for ACP by submitting an application in the format prescribed in enclosure (1), via his or her commanding officer, to CHNAVPERS. The application will state specifically that the applicant agrees to extend for the specified number of years. The ACP service obligation will be served concurrently with other service obligations. The completion of an ACP obligation does not release an officer from incomplete obligations incurred from other sources.

e. If an officer changes from one aviation specialty to another, and the new specialty is eligible for ACP, the officer will be eligible for ACP upon qualifying in the Fleet Readiness Squadron (FRS), provided the officer has completed the initial aviation obligation for training. However, if a Naval Flight Officer changes to pilot, he or she will not become eligible for ACP until he or she completes the obligation incurred for his or her ADSO.

f. An officer currently on a bonus contract who changes to a community being offered a higher rate of payment will continue to receive the rate of pay of the initial agreement.

g. Additional eligibility criteria and rates of continuation pay for the Navy will be published by message.

9. **Applications.** Using the format in enclosure (1), an eligible aviation officer may apply for ACP via the Commanding Officer, agreeing to extend for a specified number of years. Upon approval by CHNAVPERS, he or she will be eligible for rates of ACP as authorized in the governing message. If

an officer desires a specific effective date for the ACP obligation, it should be specified in the application, and must arrive at the Bureau of Naval Personnel (BUPERS) before that date. The following guidelines pertain:

a. An aviation officer who has completed 6 years of active-duty service and the initial aviation service obligation may apply at any time prior to completing 13 years active duty.

b. An aviation officer serving in the period of initial aviation service may apply in advance of his or her actual eligibility date. The effective date of the agreement must fall after the service obligation is completed, but within the fiscal year covered by the current governing message.

c. An aviation officer not presently qualified for operational flying duty may apply for ACP once becoming qualified.

d. A Reserve aviation officer not on active duty may apply for ACP upon reporting for active duty, if eligible.

e. Officers who have a request for resignation pending or have a resignation already approved by the Secretary of the Navy must first submit a withdrawal request. An application for ACP will not be processed until the request for withdrawal of the resignation has been approved.

f. Submission and acceptance of an ACP agreement by a Reserve officer extends the period of active service through the period for which the ACP is paid.

10. **Approval Process.** All applications for ACP will be reviewed quarterly or as necessary by a formal standing Administrative Board appointed by CHNAVPERS.

11. **Payment**

a. Aviation officers whose applications are approved by CHNAVPERS will be paid ACP upon the commencement date of the ACP obligation.

b. Payment of ACP will be at the rates as specified in reference (c) and as amplified in the current governing message.

(1) An aviation officer who is suspended from flying for medical incapacitation, including failure to meet flight physical requirements, loses eligibility for ACP payment during the period of ineligibility for ACP payment during the period of ineligibility for ACIP. He or she becomes eligible for ACP upon reinstatement to flying duties and receipt of ACIP.

(2) An officer, Regular or Reserve, who twice fails to be selected for promotion to the next higher paygrade and who subsequently will be released from active duty under law or regulation at a point in time less than one year from the date the ACP (new or anniversary) would be paid is not eligible for any further payments, and any remaining serve obligation will be canceled.

12. Continuing Eligibility Requirements. Per references (a) and (b), an aviation officer must remain on active duty in aviation service and maintain eligibility (according to paragraph 7) throughout the entire period of ACP obligation.

a. Eligibility for annual ACP payment will be suspended/terminated whenever eligibility for ACIP is suspended/terminated. However, if eligibility for ACP is restored during the period of ACP obligation, and if the aviation officer is otherwise entitled, the APC payments will be pro-rated so that the officer receives ACP payments for all periods he or she remains eligible for ACIP. Removal of the aviation officer's specialty from the list of critical aviation specialties, causing an intervening period of ineligibility during a period of ACP service obligation, will not terminate ACP eligibility for the duration of that agreement period.

b. When medical or aviation disqualification is being processed, eligibility for the ACP annual payment will be suspended, pending final determination of qualification.

c. An officer whose eligibility for ACP entitlement has been terminated will be required to fulfill the active-duty commitment, except when the officer's release from active duty is involuntary under law or regulation. However, an aviation officer may be released from such ACP service obligation upon approval by the Secretary of the Navy of the officer's request for separation, discharge, or resignation.

13. Recoupment/Repayment Required. Aviation officers will be required to repay the unearned portion of prepaid ACP amounts pro rata in the following circumstances:

a. Separation from active duty or discharge for any reason except those specified in paragraph 14.

b. Loss of designation in a critical aviation specialty, except when immediately reclassified in another aviation specialty also designated as critical.

c. Termination of entitlement to ACIP, except as in paragraph 14.

d. Disease or injury resulting in incapacitation or disability determined, in accordance with the Manual of the Judge Advocate General, to have been incurred not in the line of duty.

14. Repayment/Recoupment Not Required. Recoupment of payments already made will not be required, the ACP obligation will be terminated, and no further ACP payments will be made under the following circumstances:

a. Separation from military service by operation of laws, or by operation of military service or Department of Defense (DOD) policies, except separations for cause.

b. Death or disability, including medical grounding or suspension, which is neither the result of misconduct or willful neglect, nor incurred during a period of unauthorized absence.

15. **Action.** Commanding officers will invite qualified officers to submit applications for ACP to CHNAVPERS. Commanding officers must ensure that the information provided in the officer's application is complete and accurate, that the officer meets all the eligibility requirements set forth in paragraph 7, and that no action is pending that may result in the officer being ineligible for ACP. Commanding officers must also provide substantive comment on the desirability of retaining the officer on active duty.

RICHARD DANZIG
Acting

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APPLICATION FORMAT FOR AVIATION
CONTINUATION PAY

From: *(Eligible Officer)*
To: Chief of Naval Personnel (PERS-432T)
Via: Commanding Officer

Subj: REQUEST FOR AVIATION CONTINUATION PAY

Ref: (a) SECNAVINST 7220.79A
(b) CHNAVPERS Washington DC msg 201428Z Oct 95 (NAVADMIN 254/95)

[NOTE: Regular (USN) officers use the following paragraph.]

1. I hereby apply for Aviation Continuation Pay effective *(immediately upon approval or a specific date after the date of request)* in accordance with references (a) and (b). Contingent upon approval of my application for this special pay, I agree not to tender a resignation that would be effected during this ACP service obligation or terminate voluntarily my aviation designator for period of *(number of years, number of months)* beyond the commencement of the ACP service obligation and that thereupon I shall be eligible for special pay of *(total amount in dollars)*. *(See par. 6, Note (4) of reference (b) for example of total amount payable.)* I understand that, upon approval, this application is binding.

[NOTE: Reserve (USNR) officers who have been selected for augmentation use the following paragraph.]

1. I hereby apply for Aviation Continuation Pay effective *(immediately upon approval or a specific date after the date of request)* in accordance with references (a) and (b). Contingent upon approval of my application for this special pay, I agree to serve on active duty as an aviator for a period of *(number of years, number of months)* beyond the commencement of the ACP service obligation and that thereupon I shall be eligible for special pay of *(total amount in dollars)*. *(See par. 6, Note (4) of reference (b) for example of total amount payable.)* I understand that, upon approval, this application is binding.

2. I have read, understand, and agree to be bound by the provisions of references (a) and (b), including all provisions relating to termination of payments to be made under this agreement, termination of the service obligation, and the circumstances under which recoupment by the Government may be required.

Enclosure (1)

3. I understand that the Deputy Chief of Naval Personnel must validate my eligibility for ACP. In the event I am not eligible for ACP, this application will be returned with no action taken, and I may reapply at a later date if eligibility changes. I also understand that the Deputy Chief of Naval Personnel must validate the total amount of ACP for which I am qualified. In the event that the amount due differs from that which I calculated, I *(will/will not)* accept such determination by the Deputy Chief of Naval Personnel. If I do not accept such a determination of the amount due me, I understand that my application shall be returned with no action taken, and that I will be free to reapply at a later date.

4. The following information is provided and certified to be true and accurate.

Aviation Service Entry Date (ASED):

Date Accepted First Commission:

Total Years of Aviation Service:

Total Years of Active Duty:

Date of Expiration of Initial Aviation Service Obligation:

DSN number:

(Signature of officer)